IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 29865 of 2007(E)

PETITIONER:

K.A.SAROJA, TECHNICIAN,
TRICHUR DISTRICT CO-OPERATIVE RUBBER MARKETING SOCIETY LTD. NO.285, THRISSUR.

BY ADV. SRI.M.SASINDRAN,
ADV. SRI.TOJAN J. VATHIKULAM.

RESPONDENTS:
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1. **THE TRICHUR DISTRICT CO-OPERATIVE RUBBER MARKETING SOCIETY LTD. NO.285, THRISSUR, REPRESENTED BY ITS SECRETARY.**

2. **THE MANAGING COMMITTEE OF TRICHUR DISTRICT CO-OPERATIVE RUBBER MARKETING SOCIETY LTD. NO.285, THRISSUR, REPRESENTED THE PRESIDENT.**

3. **THE DISCIPLINARY COMMITTEE OF TRICHUR DISTRICT CO-OPERATIVE RUBBER MARKETING SOCIETY LTD. NO.285, THRISSUR, REPRESENTED BY ITS CONVENER.**

4. **THE SECRETARY, TRICHUR DISTRICT CO-OPERATIVE RUBBER MARKETING SOCIETY LTD. NO.285, THRISSUR.**

W.P.(C). NO.29865/2007:

5. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL), THRISSUR.

***ADDL.R6. STATE OF KERALA, REPESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, SECRETARIAT, THIRUVANANTHAPURAM.**

***ADDL. R6. IS IMPLEADED AS PER ORDER DTD. 18/10/07 IN I.A. 13780/07.**

BY GOVT. PLEADER SMT. M.K. PUSHPALATHA FOR R5 & R6, ADV. SRI.P.P.JACOB FOR R1 TO R3.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29865/2007-E:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CHARGE MEMO DTD. 07/02/2006.

EXT.P.2: COPY OF THE REPLY.

EXT.P.3: COPY OF THE AFFIDAVIT.

EXT.P.4: COPY OF THE ENQUIRY REPORT.

EXT.P.5: COPY OF THE NOTICE DTD. 07/08/2006.

EXT.P.6: COPY OF THE REPLY STATEMENT DTD. 15/08/2007.

EXT.P.7: COPY OF THE JUDGMENT IN W.P.(C). NO. 25064/2007 DTD. 12/09/2007.

EXT.P.8: COPY OF THE ORDER DTD. 05/10/2007 ISSUED BY THE CONVENER OF THE DISCIPLINARY ACTION COMMITTEE.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.29865 of 2007-E

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Dated this the 22nd day of November, 2007.

JUDGMENT

1. An enquiry was instituted against the petitioner on certain counts of indiscipline. Acting on the enquiry report, but essentially disagreeing with the findings therein, action has been taken by imposing punishment. The fundamental plea of the petitioner is that she was not given an opportunity of hearing before the authority concluded against her, contrary to the findings of the Enquiry Officer. There is an intra-institutional appeal available and therefore, there is no reason why the petitioner shall not avail that remedy. That part, even if the appellate order also goes against her, Section 69 of the Kerala Co-operative Societies Act provides that the disputes on service matters can be subject matter of arbitration under that

provision, awards whereon would be appealable or revisable before the Tribunal in terms of that statute.

2.Having regard to the alternate remedy as noticed above, this writ petition is disposed of, without entering on merits, however directing that if the petitioner places appeal before the Managing Committee, which is the appellate authority, such appeal shall be entertained and decided on merits. All other contentions, except the question of jurisdiction, are left open.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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